

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al) CONSENT ORDER ADOPTING  
- vs - ) RULES SUPPLEMENTARY TO  
ARAKI, Sadao, et al ) THE GENERAL RULES OF THE  
 ) TRIBUNAL WITH RESPECT TO  
 ) THE EXAMINATION OF WITNESSES AS REQUESTED BY THE  
 ) PROSECUTION AND DEFENSE

This matter coming on for consideration and determination by the Tribunal this 13th day of March, 1947, upon the oral application of counsel for the Defense made in open court to refer the question of framing rules for the examination of Defense witnesses to Chambers, and the Tribunal having consented unanimously to the suggestion of counsel, and thereafter counsel for the Prosecution and the Defense having met in Chambers with the Honorable Sir William Webb, President of the Tribunal, and having arrived at an agreement upon proposed rules governing the examination of witnesses for the Defense supplementary to the General Rules of the Tribunal, and counsel for the Prosecution and the Defense requesting that said proposed supplementary rules be adopted by the Tribunal for the purpose of expediting the proceedings of this trial, to which agreement and application the Tribunal consents, it is

ORDERED: That the following rules of procedure, proposed and agreed upon by counsel for the Prosecution and the Defense, be and hereby are adopted as the rules of procedure governing the examination of witnesses for the Defense, supplementary to the General Rules of the Tribunal heretofore

adopted and promulgated with respect to the examination of witnesses:

1. During the presentation of the general phases of the Defense case, without the special permission of the Tribunal, not more than one counsel for the accused shall examine a witness in chief on the matters then being presented. Upon the completion of this examination, counsel for the individual accused may examine the witness on matters which specifically and particularly concern his client to the extent only that they have not been covered in the preceding examination. Such counsel shall state at the beginning of his examination that the examination is direct;
2. Upon completion of all direct examination, if the witness has given evidence against the interest of any accused, counsel for such accused may cross examine the witness. If in the course of a cross examination by counsel for the accused adverse testimony against any of the accused is adduced, counsel for such accused shall, prior to the cross examination by the Prosecution, cross examine or further cross examine the witness. A defense counsel cross examining a witness shall announce his intention so to do at the beginning of his examination;
3. After all cross examination by counsel for the accused shall have been completed, counsel for the Prosecution shall cross examine. Without the special permission of the Tribunal not more than one prosecuting counsel shall cross examine;
4. Upon completion of cross examination by the prosecution, counsel for any accused regarding whom new testimony has been given in the course of the prosecution cross examination may further cross examine the witness;
5. Upon the completion of all cross examination, without the special permission of the Tribunal, re-direct examination shall be conducted by the counsel who conducted the general direct examination. Other counsel for individual accused may examine a witness on re-direct examination only on matters specifically relating to his client and not covered by the general re-direct examination;

and it is further

ORDERED: That in determining whether in any circumstances a witness called by one accused has made any

adverse statement against another accused within the meaning of Rule 2 of the supplementary rules adopted, the decision upon such question shall be made by the Tribunal, having regard to the recognized practices.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT

SITTING:

The Honorable Sir William F. Webb  
The Honorable Mr. Justice McDougall  
The Honorable Mr. Justice Ju-Ao Mei  
The Honorable Mr. Justice Bernard  
The Honorable Mr. Justice R. B. Pal  
Lord Patrick  
The Honorable Mr. Justice Roling  
The Honorable Mr. Justice Jaranilla  
Major General of Justice I. M. Zaryanov  
Major General Myron C. Cramer